United Nations A/72/121

General Assembly

Distr.: General
29 June 2017

Original: English

**Seventy-second session**
Item 79 of the provisional agenda*
**Criminal accountability of United Nations officials and experts on mission**

# Criminal accountability of United Nations officials and experts on mission

## Report of the Secretary-General

*Summary*

The present report has been prepared pursuant to paragraph 27 of General Assembly resolution 71/134. Section II contains information compiled from across the United Nations system relating to policies and procedures regarding credible allegations that reveal that a crime may have been committed by United Nations officials or experts on mission.

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17-10431 (E) 140717

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# I. Introduction

1. In its resolution 71/134, the General Assembly requested the Secretary-General to submit a report setting out all relevant existing United Nations policies and procedures of the United Nations system regarding allegations referred to in paragraphs 17 and 18 of the resolution. Paragraphs 17 and 18 refer to (a) credible allegations that reveal that a crime may have been committed by United Nations officials or experts on mission and are brought to the attention of the States against whose nationals such allegations are made; and (b) information with respect to investigations or prosecutions of crimes allegedly committed by United Nations officials or experts on mission.

2. By a letter dated 16 January 2017, the Secretary-General drew the attention of the relevant offices, departments and units of the United Nations Secretariat, funds and programmes, as well as specialized agencies and related organizations, to General Assembly resolution 71/134 and requested them to submit relevant information. The present report provides, in section II, information received in that regard. The information received is presented in tabular form, providing, to the extent possible, the following: name and mandate of the relevant entity; the key policies and procedures applied by each entity in addressing credible allegations that reveal that a crime may have been committed by officials or experts on mission; a brief description of the policies, procedures and processes concerned; the applicable lines of reporting and reporting authority, including legislative organ, where appropriate; and any additional comments provided by the entity.

## II. Relevant existing policies and procedures of the United Nations system regarding credible allegations that reveal that a crime may have been committed by United Nations officials or experts on mission

| *Entity/mandate* | *Key policies and procedures* | *Brief description of policies, procedures and processes* | *Reporting authority* | *Any other comments* |
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| **Secretariat and related units** | | | | |
| **Department of Field Support/Conduct and Discipline Unit** (Supports compliance with the standards of conduct and discipline among United Nations personnel in field operations, including the implementation of the zero-tolerance policy of the Secretary-General regarding sexual exploitation and abuse and the Organization's strategy to address sexual exploitation and abuse) | • **Department of Political Affairs/Department of Peacekeeping Operations/ Department of Field Support Policy on Accountability for conduct and discipline in field missions**<br>• **Memorandum of understanding between the United Nations and troop-contributing countries**<br>• **Memorandum of understanding between the United Nations and police-contributing countries**<br>• **Department of Peacekeeping Operations directives for disciplinary matters involving civilian police officers and military observers**<br>• **ST/AI/371 and Amend.1** (Revised disciplinary measures and procedures — standard operating procedures on the implementation of amendments on conduct and discipline in the model memorandum of understanding between the United Nations and troop-contributing countries) | • *Policies*: Set out the framework to ensure accountability for the conduct and discipline of all personnel serving in peacekeeping and special political missions. Further provide responsibilities and accountabilities, for the individual serving in a field mission, the United Nations, its management and its Member States, in addressing matters of conduct and discipline of all United Nations personnel serving in field missions.<br>• *Procedures*: Provide detailed instructions to ensure that allegations of possible misconduct, including possible crimes, by United Nations personnel in field missions are reported, investigated and referred for accountability measures, including referral to national authorities, for prosecutions in instances involving crimes.<br>• Investigations into alleged misconduct involving United Nations staff members, United Nations Volunteers, contractors and those personnel with the status of experts on mission are conducted under the primary responsibility of the United Nations, in accordance with procedures set out in various | • Information on accountability measures taken specifically to address allegations of sexual exploitation and abuse, including in instances where such allegations amount to alleged crimes, is provided annually to the General Assembly (report on special measures for the protection from sexual exploitation and sexual abuse).<br>• The Department of Field Support also contributes annually to information compiled by the Office of Legal Affairs for the Secretary-General's report on criminal accountability of United Nations officials and experts on mission. | • In April 2016, the Conduct and Discipline Unit submitted to the Office of Legal Affairs, for review, a draft note for field missions on "Actions to be taken in connection with criminal acts committed against United Nations personnel or property and criminal acts committed by United Nations personnel, in accordance with the provisions of the model Status of Force Agreement (A/45/594)". This note is intended, inter alia, to guide field missions on actions to be taken in order to ensure that crimes alleged to have been perpetrated by United Nations staff |

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| | | administrative issuances. Furthermore, the United Nations also refers credible allegations that a crime may have been committed to national authorities for appropriate action, including possible prosecution.<br>• Member States have the primary responsibility for investigating all alleged acts of misconduct committed by members of their national military contingents. When Member States do not exercise that responsibility, the United Nations can conduct its own administrative investigation.<br>• The responsibility for disciplinary actions rests with the Under-Secretary-General for Management and the Office of Human Resources Management for United Nations staff members, with the United Nations Development Programme (UNDP) for United Nations Volunteers, and with the respective Member States for experts on mission and members of military contingents they employ. The responsibility for the placement of United Nations staff members on administrative leave without pay, considered an administrative sanction, also rests with the Under-Secretary-General for Management.<br>• Acts of misconduct may also constitute crimes under the laws of the host or contributing States. In such instances, in addition to taking any disciplinary action against | • More general information on allegations of misconduct and measures taken to address such allegations is also provided annually to the General Assembly and its subsidiary bodies, through other reports of the Secretary-General. | and experts on mission are reported, investigated and prosecuted, as warranted, in cooperation with host States authorities. |

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| | | personnel it employs, the United Nations may further request that Member States prosecute United Nations staff and experts on mission for the commission of such crimes.<br>• The responsibility for criminal accountability rests with Member States under whose jurisdiction any misconduct which constitutes a crime shall be investigated and possibly prosecuted. Members of military contingents and Military Staff Officers remain under the exclusive jurisdiction of their contributing States, for the purpose of criminal prosecution.<br>• Procedures are in place to ensure that referrals are made, within the Organization or to Member States, for accountability measures to be taken when investigations have established that misconduct, including possible crimes, have taken place, as applicable. Procedures are also in place to ensure follow-up, within the Organization or with Member States, regarding information on accountability measures taken, until such time as this information is provided to the Department of Field Support. | | |
| **Ethics Office**<br>(Protection against retaliation for reporting misconduct and cooperating with duly authorized investigations or audits) | • **ST/SGB/2017/2**<br>(Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations) | • ST/SGB/2017/2 expands the scope of application of the policy against retaliation by including protection of staff members reporting conduct by any person that, if established, would be manifestly harmful to the interests, operations or governance of the | | |

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| | | Organization (under ST/SGB/2005/21, which has since been abolished, staff members were protected against retaliation for reporting misconduct by staff members)<br>• Upon receipt of a report of retaliation, the Ethics Office conducts a preliminary review of the materials submitted by the staff member in order to determine (a) if the staff member engaged in a protected activity by reporting misconduct or cooperating with a duly authorized investigation or audit and (b) whether there is a prima facie case that the protected activity was a contributing factor in causing the retaliation.<br>• Retaliation is defined as any direct or indirect detrimental action that adversely affects the employment of an individual or that was taken for the purpose of punishing the individual.<br>• After preliminary review, the Ethics Office may determine: (a) that there is a prima facie case of retaliation, in which case the matter is referred to the Office of Internal Oversight Services (OIOS) for investigation; or (b) that the matter does not raise a prima facie case of retaliation, in which case the matter is closed.<br>• Pending completion of the investigation by OIOS, the Ethics Office can recommend interim measures to protect the interests of the staff member. | | |

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| | | • Once the investigation is completed, the Ethics Office conducts an independent review of the investigation report and supporting materials to determine whether there is clear and convincing evidence that the retaliatory action would have been taken absent the protected activity, or that it was made for the purpose of punishing the individual. If the burden of proof is not met, the Ethics Office will recommend appropriate remedial action. If retaliation was not established, the Ethics Office informs the staff member and makes its recommendations to the head of department or office concerned. | | |
| | | • Under ST/SGB/2005/21, to qualify as protected activity, misconduct must be reported to OIOS, the Assistant Secretary-General for Human Resources Management, head of department or office concerned or the focal point appointed to receive reports of sexual exploitation and abuse. Reports of retaliation are to be submitted to the Ethics Office. | | |
| **Office of Internal Oversight Services** (Assists the Secretary-General in fulfilling oversight responsibilities in respect of the resources and staff of the Organization through | | • OIOS has overall responsibility to assist the Secretary-General (and by extension, programme managers) in fulfilling oversight responsibilities regarding resources of the Organization. The Investigations Division of OIOS investigates possible misconduct, which may include: | • OIOS was established to enhance the oversight functions within the United Nations. The General Assembly has stressed the operational | |

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| internal audit, monitoring, inspection, evaluation and investigation services) | | (a) Violations of the internal regulations, rules and administrative issuances of the Organization;<br>(b) Improper conduct of troop-contributing country personnel within the context of United Nations operations subject to such countries' authority;<br>(c) Third-party fraud and corruption in the execution of United Nations contracts or other agreements.<br>• OIOS is not a law enforcement agency, and does not have subpoena or other coercive statutory powers; however, in cases of possible criminality, OIOS will make a recommendation to the Office of Legal Affairs for referral to national authorities.<br>• The Investigations Division of OIOS conducts its investigations in accordance with its Investigations Manual. The aim of OIOS investigations is to establish facts and make recommendations in light of its findings.<br>• OIOS transmits the results of its investigations to the programme manager of the implicated staff member/expert on mission, together with appropriate recommendations to guide the Secretary-General in deciding on jurisdictional and disciplinary action. The Secretary-General or delegated programme manager, as appropriate, has the | independence of the Office and stated its proactive and advisory role to assist and provide methodological support to programme managers in the effective discharge of their responsibilities.<br>• The Fifth Committee regularly reviews the functions and reporting procedures of OIOS, as stipulated in General Assembly resolution 48/218 B.<br>• The Board of Auditors and the Joint Inspection Unit have oversight functions over OIOS activities. | |

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| | | responsibility to consider what action, if any, is to be taken after receipt of the investigation report.<br>• OIOS recommendations may include: (a) appropriate action to be taken, including disciplinary or administrative measures; (b) consideration of referral to national authorities, including under General Assembly resolution 62/63; (c) requesting financial recovery. | | |
| **Office of Legal Affairs** (The central legal service of the Organization, providing legal advice to the Secretary-General, Secretariat departments and offices and United Nations organs in the field of public and private law) | | • The Office of Legal Affairs refers credible allegations that reveal that a crime may have been committed by United Nations officials or experts on mission to their States of nationality.<br>• Under current practice, Secretariat departments and offices, as well as the separately administered United Nations funds and programmes, forward relevant investigation findings to the Office of Legal Affairs for review.<br>• The Office of Legal Affairs reviews the findings, along with any associated evidentiary materials, if deemed necessary, and consults with the substantive entities as needed to determine whether there exist credible allegations of criminal conduct.<br>• The Office of Legal Affairs also consults with the substantive entities on any redactions made to documents to be disclosed. | | |

| *Entity mandate* | *Key policies and procedures* | *Brief description of policies, procedures and processes* | *Reporting authority* | *Any other comments* |
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| | | • Where credible allegations exist, they are referred to the permanent mission of the State(s) of nationality concerned.<br>• The reporting obligations of the Secretary-General have been expanded to include cases in which the Organization has been notified by Member States of national investigations or prosecutions of United Nations officials and experts on mission.<br>• Under current practice, the Office of Legal Affairs liaises with all Secretariat departments and offices, as well as the separately administered funds and programmes, to compile information regarding cases where such notifications have been received.<br>• States are also consulted for updates on the status of such cases and are requested to confirm that including information regarding the cases in the Secretary-General's report would not prejudice the national investigations and proceedings concerned. | | |
| **Office of Administration of Justice** (Coordinates the formal component of the internal justice system) | • **Code of conduct for the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal (General Assembly resolution 66/106)**<br>• **Mechanism for addressing complaints regarding alleged misconduct or incapacity of the judges of the United Nations Dispute Tribunal and** | • Personnel of the Office of Administration of Justice are United Nations staff members and fall under the applicable general framework.<br>• United Nations Dispute Tribunal and United Nations Appeals Tribunal judges are considered officials other than Secretariat officials under the 1946 Convention on the Privileges and Immunities of the United Nations. | | |

| *Entity mandate* | *Key policies and procedures* | *Brief description of policies, procedures and processes* | *Reporting authority* | *Any other comments* |
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| | **United Nations Appeals Tribunal (General Assembly resolution 70/112)** | | | |
| **Funds and programmes** | | | | |
| **International Residual Mechanism for Criminal Tribunals** (Continue the material, territorial, temporal and personal jurisdiction of the International Tribunals for the Former Yugoslavia and for Rwanda, as well as rights and obligations of the Tribunals, subject to provisions of the statute of the Mechanism) | • **Staff Rule 1.2** (Basic rights and obligations of staff)<br>• **ST/SGB/2008/5** (Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority)<br>• **ST/SGB/2017/2** (Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations<br>• **ST/AI/371** (Revised disciplinary measures and procedures)<br>• **Department of Safety and Security directives** | | • Security Council<br>• Department of Management | • The Mechanism follows all Secretary-General's Bulletins and Administrative Instructions, and does not have any Mechanism-specific policies or procedures for handling allegations of criminal activity.<br>• In the event such information comes to the Mechanism's attention, it would seek the advice of the Office of Legal Affairs with respect to potential waivers of privileges and immunities (if applicable), and would cooperate with host country law enforcement as appropriate. |

| *Entity/mandate* | *Key policies and procedures* | *Brief description of policies, procedures and processes* | *Reporting authority* | *Any other comments* |
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| **United Nations Environment Programme** (Responsible for the global environmental agenda in the United Nations system) | • **Staff Regulation 1.2 and Staff Rule 1.2** (Basic rights and obligations of United Nations staff)<br>• **Staff Regulations, chapter X** (Disciplinary measures)<br>• **ST/AI/371** (Revised disciplinary measures and procedures)<br>• **ST/SGB/2008/5** (Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority)<br>• **ST/IC/2016/25** (Anti-Fraud and Anti-Corruption Framework of the United Nations Secretariat) | • Where there is reason to believe that a staff member has engaged in unsatisfactory conduct (including a criminal act) for which a disciplinary measure may be imposed, the head of office or responsible officer shall undertake an investigation.<br>• Conduct for which disciplinary measures may be imposed includes unlawful acts carried out by the staff member on or off United Nations premises, regardless of whether the staff member was officially on duty at the time.<br>• If the investigation results in sufficient evidence indicating that the staff member engaged in wrongdoing that could amount to misconduct, the head of office or responsible officer immediately reports the matter to the Assistant Secretary-General for Human Resources Management, giving a full account of the known facts and attaching documentary evidence.<br>• If the case is pursued, the appropriate official will notify the staff member in writing of the allegations of misconduct and give him/her an opportunity to comment on such allegations and to seek assistance of counsel through the Office of Staff Legal Assistance, or from outside counsel at his/her own expense, and to respond to the allegations. | • The United Nations Environment Programme reports to the General Assembly, through the Economic and Social Council.<br>• The Programme's governing body is the United Nations Environment Assembly. | • The United Nations Environment Programme is part of the United Nations Secretariat, so the relevant rules and policies are those of the Secretariat. |

| *Entity mandate* | *Key policies and procedures* | *Brief description of policies, procedures and processes* | *Reporting authority* | *Any other comments* |
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| | | • The entire dossier will then be submitted to the Assistant Secretary-General for Human Resources Management, who will decide whether to close the case or to recommend the imposition of one or more disciplinary measures.<br>• As requested by the General Assembly, the Secretary-General may refer credible allegations of crimes committed by United Nations officials or experts on mission to the attention of the States against whose nationals such allegations have been made. | | |
| **Office of the United Nations High Commissioner for Refugees** (Provides international protection, under the auspices of the United Nations, to refugees who fall within the scope of its Statute and seeks permanent solutions to the problem of refugees, stateless persons, asylum seekers and returnees) | • **IOM/009-FOM/010/2012** (The role, functions and modus operandi of the Office of the Inspector General)<br>• **Staff Regulations and Rules**<br>• **Code of Conduct and Explanatory Notes**<br>• **ST/SGB/2003/13** (Special measures for protection from sexual exploitation and sexual abuse)<br>• **ST/SGB/2017/2** (Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigation)<br>• **UNHCR/HCP/2014/4** (Policy on discrimination, harassment, sexual harassment and abuse of authority) | • IOM/009-FOM/010/2012 provides that the Inspector General has the mandate, inter alia, to undertake investigations of possible misconduct by personnel of the Office of the United Nations High Commissioner for Refugees (UNHCR). The Inspector General is responsible for ensuring that possible misconduct involving any entity or person having a direct contractual link with UNHCR, including staff members, consultants, interns and persons deployed to UNHCR offices and Headquarters units, as well as to UNHCR funded projects under agreements with third parties, is properly investigated. Given the potentially large scope of third-party investigative responsibilities, priority is given to serious allegations concerning sexual exploitation and abuse, serious fraud and criminal behaviours that could | General Assembly | |

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| | • **IOM/009-FOM/010/2012** (in particular part B, on investigations)<br>• **IOM/086-FOM/087/2012** (Financial responsibility of staff members for gross negligence)<br>• **Office of the Inspector General Guidelines on Conducting Investigations and Preparing Investigation Reports**<br>• **General Assembly resolution 62/63** | have the most severe impact on the reputation of the Office.<br>• The Code of Conduct is intended to serve as an illustrative guide for staff to make ethical decisions in their professional lives and, at times, in their private lives. It does not have the force of law and is designed to assist staff to better understand the obligations placed upon them by the Charter of the United Nations and the Staff Regulations and Rules. Signing the Code does not take away any acquired rights of UNHCR Staff.<br>• ST/SGB/2003/13 promulgates specific standards to which all staff of the United Nations, including staff of separately administered organs and programmes of the United Nations, must adhere. Section 5 thereof provides that "If, after proper investigation, there is evidence to support allegations of sexual exploitation or sexual abuse, these cases may, upon consultation with the Office of Legal Affairs, be referred to national authorities for criminal prosecution".<br>• The purpose of UNHCR/HCP/2014/4 is to ensure that all UNHCR staff members and affiliate workforce are treated with dignity and respect and are aware of their role and responsibilities in maintaining a workplace free of any form of discrimination, harassment, including sexual harassment, and abuse of | | |

| Entity mandate | Key policies and procedures | Brief description of policies, procedures and processes | Reporting authority | Any other comments |
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| | | authority. It clarifies definitions and procedures for addressing grievances regarding prohibited behaviour through informal and formal means.<br>• IOM/009-FOM/010/2012, part B, on investigations, provides that the Inspector General has overall authority and responsibility for ensuring that possible misconduct by UNHCR staff is investigated in a timely and appropriate manner. Allegations of misconduct are investigated prior to any formal charge of misconduct against a staff member being made. Staff have a duty to report instances of possible misconduct as well as any information that relates to misconduct they have observed.<br>• The Guidelines on Conducting Investigations and Preparing Investigation Reports addresses the steps and procedures to follow in reporting misconduct and complaints, the nature of investigations and the standard of proof. They also include principles and procedures for the participation of non-Inspector General staff in an investigation and measures to preserve the integrity of the investigation process. | | |

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| | | • IOM/086-FOM/087/2012 defines the conditions for implementing United Nations financial rule 101.2 and UNHCR financial rule 13.1, under which any staff member who contravenes the Financial Regulations and Rules of the United Nations or the UNHCR Financial Rules or corresponding instructions may be held personally accountable and financially liable for his or her actions.<br>• In the event that UNHCR becomes aware of credible allegations revealing that a crime may have been committed by UNHCR personnel, the Legal Affairs Service of UNHCR transmits such evidence to the Office of Legal Affairs for further action, including, if appropriate, referral in accordance with General Assembly 62/63. | | |
| **United Nations Joint Staff Pension Fund** (Operate the United Nations Joint Staff Pension Fund) | • Subject to all relevant United Nations Staff Regulations, Rules and other applicable policies | | | |
| **United Nations Relief and Works Agency for Palestine Refugees in the Near East** (Provide assistance and protection to registered Palestine refugees in its five fields of operation) | • **United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) Headquarters Legal Instruction No. 1, Rev. 1** (Privileges and immunities and related responsibilities of the Agency and its staff members)<br>• **UNRWA Investigations Manual** | • UNRWA maintains a number of policies and procedures within its regulatory framework that guide it in responding to information raising credible allegations of criminal conduct by UNRWA personnel and in seeking information with respect to investigations or prosecutions of crimes committed by UNRWA staff members. | | • UNRWA supports current United Nations-wide efforts to address accountability of United Nations officials and experts on mission. |

| *Entity/mandate* | *Key policies and procedures* | *Brief description of policies, procedures and processes* | *Reporting authority* | *Any other comments* |
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| | • **General staff circular No. 07/2010 on sexual exploitation and abuse complaints procedure (2010)** (Process for reporting and investigation of complaints of sexual exploitation and abuse, including consent form for complainants to share information collected with third parties, including police.) | • Policies and procedures in this regard informed by the 1946 Convention on the Privileges and Immunities of the United Nations, relevant General Assembly resolutions and United Nations-wide procedures and practices. | | |
| | • **Detained staff policy (1984)** (Agency's procedures in response to notification that a staff member has been arrested, detained or brought to trial.) | • The headquarters legal instruction operationalizes United Nations privileges and immunities in relation to the Agency and its staff. A revised version of the instruction based on Agency practice and guidance from the Office of Legal Affairs is currently being finalized. The revised instruction will set out approach and procedure for the cooperation, as appropriate, with national authorities and referral of information to national authorities. The instruction sets out the procedure for the Agency to seek waivers of the immunity of Agency officials from legal process, to facilitate testimony in accordance with United Nations practice. | | |
| | | • The UNRWA Investigations Manual sets out the policy and process for conducting investigations into alleged staff misconduct, including conduct that may violate local laws. The manual provides that when investigations cover conduct that might potentially result in legal action, whether criminal or civil, the issue of immunity should be addressed with the UNRWA Department of Legal Affairs, which can advise on waivers and disclosure of documents in | | |

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| | | accordance with applicable privileges and immunities. The manual also envisions "the decision to refer a matter for criminal prosecution" based on the findings of an Agency investigation and provides guidance on conducting high-quality investigations for the purpose of Agency disciplinary action and referral to national courts, as appropriate. | | |
| **United Nations University** (An international community of scholars, engaged in research, postgraduate training and dissemination of knowledge in furtherance of the purposes and principles of the Charter of the United Nations) | • **ST/SGB/2008/5** (Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority) | • Directors and heads of United Nations University (UNU) institutes, operating units and offices report any legal issues to the UNU Office of the Rector (Rector, Executive Officer, Chief of Staff and Legal Officer), including matters such as conduct and discipline.<br>• In accordance with ST/SGB/2008/5, a focal point was appointed to serve as the contact person for UNU personnel who are believed to be the subject of the behaviours described therein.<br>• The case may be referred to the Office of Legal Affairs for consideration of referral to national authorities. | | • The procedure described involves both UNU staff members and the personnel appointed in accordance with article VIII.7 of the UNU Charter. |
| **United Nations Entity for Gender Equality and the Empowerment of Women** (Gender equality and the empowerment and the advancement of women) | **United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) legal framework for addressing non-compliance with the United Nations standards of conduct, section 5.2, on local authorities:** | • The Office of Audit and Investigation of the United Nations Development Programme (UNDP) performs the investigative function for UN-Women.<br>• UN-Women does not have a specific policy or procedure on addressing credible allegations of criminal acts or bringing such information to the | Executive Board, UN-Women | |

| *Entity mandate* | *Key policies and procedures* | *Brief description of policies, procedures and processes* | *Reporting authority* | *Any other comments* |
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| | "95. Any decision taken under the present document is without prejudice to the Organization's right to refer matters to local authorities for legal recourse in accordance with applicable national law.<br><br>96. Staff members shall not report any matters to local authorities except in the case of compelling emergency/danger, after which the matter shall be immediately reported to the Director, Division for Management and Administration and the relevant head of office. Bringing a matter to the attention of local authorities requires the concurrence of the Office of Legal Affairs since it, inter alia, involves issues of privileges and immunities."<br><br>**Office of Audit and Investigations investigation guidelines, sect. 9, on** referral to national authorities:<br><br>in accordance with General Assembly resolution 62/63 of 6 December 2007, UNDP is requested to bring credible allegations that reveal a crime may have been committed by UNDP staff members or experts on mission to the attention of the Government concerned. Where an investigation reveals credible evidence of a crime, the Office of | attention of member states. Such cases are investigated by the Office of Audit and Investigation and reported to UN-Women in accordance with its legal framework. In practice, if an investigation report by the Office reveals such information, UN-Women consults with the Office of Legal Affairs and act further to their advice and direction. | | |

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| | Audit and Investigation will, as appropriate, recommend to the Legal Support Office referral of the case to the competent national law enforcement authorities for criminal investigation and prosecution and will prepare a summary of evidence for transmittal to the national authorities concerned. In order for national law enforcement authorities to act on a referral originating from an investigation by the Office, privileges and immunities may need to be lifted. | | | |
| **World Food Programme** (Dual mandate of humanitarian and development assistance; providing food assistance to countries during emergencies and on a long-term basis. It supports economic and social development of countries in need through technical assistance) | • **Anti-fraud and anti-corruption policy** | • Handling of referral of cases is shared by the Office of the Inspector General and the Legal Office.<br>• Anti-fraud and anti-corruption policy: focus on the review of cases involving the loss of assets to the World Food Programme (WFP) through fraud, corruption or collusive practices. WFP may consider referral of cases involving criminal activity, in particular violations of that policy, to local law enforcement authorities.<br>• Referral to local authorities expanded to any possible criminal activity.<br>• WFP has established the authority for taking decisions to refer a matter involving potential criminal activity to local authorities — which mirrors the authority in disciplinary cases — and the factors that will be considered in such a decision. | | |

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| | | • Internal procedures for the referral process are under development.<br>• Referral reported to the governing bodies and whether that referral resulted in recovery of any lost WFP assets. | | |
| **Specialized agencies** | | | | |
| **Food and Agriculture Organization of the United Nations** (Eradication of hunger, food insecurity and malnutrition, as well as the elimination of poverty) | • **Policy on protection from sexual exploitation and sexual abuse:** (administrative circular 2013/27 — refers to Secretary-General Bulletin ST/SGB/2003/13)<br>• **Policy against Fraud and other Corrupt Practices** (administrative circular 2015/08 — provides that evidence of fraud or other corrupt practices obtained by FAO may be referred to national authorities for their consideration of criminal prosecution of those involved, civil recovery orders or other action) | • In view of mandate and role, the Food and Agriculture Organization of the United Nations (FAO) has not determined a need to develop a specific policy on criminal accountability of FAO officials and experts on mission.<br>• Allegations are brought to the attention of the Office of the Inspector General.<br>• In line with the FAO Charter, the Inspector General reviews allegations and, if they are found to be substantiated, completes its investigation and submits a confidential report to the Director-General.<br>• It is the responsibility of the Legal Office to advise, in the light of the findings and conclusions of the Inspector General, on whether to refer to national authorities as appropriate under the circumstances.<br>• If referral is appropriate, the Legal Office provides advice on the manner and timing of exchanges with national authorities, and advises the Director-General if such exchanges | | |

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| | | entail considerations of FAO privileges and immunities. | | |
| **International Bank for Reconstruction and Development-International Development Association** | | | | • The organization addresses allegations of crime by its staff in accordance with its staff rules and, where appropriate, would refer the matter to national authorities. |
| **International Civil Aviation Organization** (Manage the administration and governance of the Convention on International Civil Aviation (Chicago Convention)). | • **International Civil Aviation Organization (ICAO) Service Code**<br>• **ICAO Staff Rules** (Staff Rule 101.19: A staff member who has been arrested, charged with an offence other than a minor traffic violation or summoned before a court as a defendant in a criminal proceeding, or who has been convicted, fined or imprisoned for any offence other than a minor traffic violation, shall immediately report the fact to the Secretary General.)<br>• **ICAO framework on ethics** (Staff members should report concerns relating to misconduct directly to the Ethics Officer.)<br>• **ICAO anti-fraud and anti-corruption policy** (ICAO employees shall promptly report any practice contrary, or reasonably suspected of being | • The ICAO Staff Rules provide further details on the implementation of the Staff Regulations, are established by the ICAO Secretary General and must be consistent with the Staff Regulations. Staff Rules may be amended by the Secretary General.<br>• The ICAO framework on ethics aims to prevent misconduct through offering guidance, training and both formal and informal resolution processes. Its purpose is to help all staff members to act in an ethical manner and to make ICAO a more effective organization.<br>• The ICAO anti-fraud and anti-corruption policy compiles all relevant ICAO regulations prohibiting fraudulent and corrupt practices and aligns ICAO regulations with the practices recommended by the United Nations Convention Against Corruption.<br>• The current ICAO regulatory framework provides for the self- | • The Secretary General of ICAO is the head of the secretariat and chief executive officer, responsible for general direction of the work of the ICAO secretariat. | |

| *Entity mandate* | *Key policies and procedures* | *Brief description of policies, procedures and processes* | *Reporting authority* | *Any other comments* |
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| | contrary, to the ICAO policy to the Ethics Officer)<br>• **Convention on the Privileges and Immunities of the Specialized Agencies and its annex III on the International Civil Aviation Organization**<br>(If the offence committed results in the prosecution of an ICAO official/expert on mission, the Organization shall have the right and the duty, in accordance with paragraph 2 (iii) of annex III to the Convention, to waive the immunity of any expert in any case where in its opinion the immunity would impede the course of justice, and it can be waived without prejudice to the interests of the Organization.) | reporting of unlawful activities by ICAO officials or experts on mission either to the Secretary General of ICAO or to the Ethics Officer of the Organization. In addition, ICAO may also rely on information from other sources bearing on the conduct of a staff member. | | |
| **International Fund for Agricultural Development**<br>(Mobilize additional resources to be made available on concessional terms for agricultural development in developing Member States) | • **International Fund for Agricultural Development (IFAD) policy on preventing fraud and corruption in its activities and operations**<br>(EB 2005/86/INF.S, submitted to the Executive Board at its eighty-sixth session (12 and 13 December 2005))<br>• **IFAD investigation and sanction processes** | • The IFAD policy on preventing fraud and corruption in its activities and operations covers all activities financed and/or managed by IFAD and applies to IFAD staff and all individuals or entities implementing such activities or representing IFAD in any capacity.<br>• In accordance with the policy, IFAD applies a zero-tolerance policy in which it has determined through an investigative process that: (a) its staff, consultants or individuals acting as representatives of the Fund have engaged in fraudulent, corrupt, collusive or coercive practices — IFAD enforces a range of disciplinary | | |

| Entity/mandate | Key policies and procedures | Brief description of policies, procedures and processes | Reporting authority | Any other comments |
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| | | measures and sanctions for all such cases, in accordance with applicable IFAD rules and regulations and contractual provisions, and such measures include referral to the competent national authorities where warranted; (b) fraudulent, corrupt, collusive or coercive actions have occurred in projects financed through its loans and grants.<br>• "Zero tolerance" means that IFAD pursues all allegations falling under the scope of the policy and that appropriate sanctions are applied where the allegations are substantiated.<br>• The principles underpinning the IFAD investigative, disciplinary and sanctions processes are captured in the IFAD investigation and sanction processes according to which the Office of Audit and Oversight has the responsibility and sole mandate in IFAD to investigate possible instances of irregular practices in IFAD activities and operations.<br>• Upon completion of the investigation, the Office of Audit and Oversight transmits its investigative findings to the IFAD Sanctions Committee, which shall review them and shall act: (a) as a decisional body on the appropriate sanction to impose on firms, private entities and individuals, including consultants. The Sanctions Committee may recommend to the President that the matter be referred | | |

| Entity mandate | Key policies and procedures | Brief description of policies, procedures and processes | Reporting authority | Any other comments |
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| | | to national authorities, especially if potential violations of national criminal laws are involved; (b) as an advisory body to the President on the appropriate sanction or measure to impose on IFAD staff members. In this case, the Sanctions Committee shall present its recommendations to the President, which may include that the matter be referred to national authorities, especially if potential violations of national criminal laws are involved.<br>• The President shall take the final decision on the basis of the Sanctions Committee's recommendations and the applicable IFAD rules and regulations. | | |
| **United Nations Industrial Development Organization** (Promote and accelerate inclusive and sustainable industrial development in developing countries and economies in transition) | • **Agreement between the United Nations Industrial Development Organization (UNIDO) and the Government of Austria regarding the Headquarters of UNIDO, 1995**<br>• **Staff Regulations of UNIDO** (article I — Duties, obligations and privileges; article XI — Disciplinary measures)<br>• **Staff Rules of UNIDO: 103.04(d), 203.04(b), 303.05(c)** ("A staff member who is arrested and charged with an offence other than a minor traffic violation or summoned before a court of law as a defendant in a criminal proceeding or convicted and | • Allegations of criminal conduct necessitating referral typically result from investigations by the Office of Internal Oversight and Ethics, which is mandated to investigate allegations of wrongdoing within the secretariat.<br>• In the event that an investigative report recommends referral of a case to national authorities for possible prosecution, the Office of Legal Affairs of UNIDO (advises the Director General of UNIDO on whether the referral is appropriate and, if so, to which national authorities the case should be referred.<br>• The UNIDO Office of Legal Affairs may also make a recommendation for referral in the absence of an internal | | • It should be noted that allegations of criminal conduct on the part of officials or experts on mission are rare at UNIDO.<br>• UNIDO has accordingly not found it necessary to promulgate formal policies or procedures governing these matters. |

| *Entity mandate* | *Key policies and procedures* | *Brief description of policies, procedures and processes* | *Reporting authority* | *Any other comments* |
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| | fined or imprisoned for any offence other than a minor traffic violation shall immediately report the fact to the Director General.") | investigation, if credible information is otherwise brought to its attention. | | |
| | • **Director General's Administrative Instruction No. 19, dated 16 January 2012 — Office of Internal Oversight Services Investigation Guidelines** ("60. If the Director, Office of Internal Oversight Services, has reasonable evidence of potential criminal conduct by any person, he/she may recommend to the Director General that, in consultation with the Office of Legal Affairs of UNIDO, the issue be referred to the relevant national authorities.") | • The UNIDO Office of Legal Affairs has developed an informal checklist of questions and considerations to assist it in fulfilling its advisory function in relation to possible referrals. The relevance and importance of each question or consideration may vary depending on the facts of the case, including: (a) the nature and gravity of the alleged crime; (b) the identity of the victim(s); (c) the harm suffered by UNIDO, including financial loss; (d) the degree to which the alleged crime has been established internally; (e) the action already taken by UNIDO against the staff member; (f) the internal resource implications of referral; (g) the possibility that UNIDO may be able to seek redress as a civil party during criminal proceedings; (h) the staff member's presence in or absence from the jurisdiction; (i) the reputational risk of referral; (j) the reputational risk of non-referral; (k) the desirability of making confidential secretariat documents available to national authorities in original or redacted form; (l) the criminal justice system in the country concerned (a referral may be inappropriate if there are no assurances of a fair trial or humane sentence); (m) the existence of extenuating circumstances and/or humanitarian factors; (n) possible | | |

| *Entity mandate* | *Key policies and procedures* | *Brief description of policies, procedures and processes* | *Reporting authority* | *Any other comments* |
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| | | political considerations, such as the potential impact of referral on relations between a Member State and UNIDO.<br>• Referral is discretionary and not automatic.<br>• The final decision on whether to authorize a particular referral rests with the Director General.<br>• If an alleged crime is thought to have occurred at headquarters in Vienna, the referral is made to the authorities of Austria, regardless of the nationality of the individual involved.<br>• If the official or expert on mission is not present in Austria, or if the alleged offence occurred outside of the territory of Austria, the referral may be made to the authorities of the State in which the offence occurred or to the authorities of the State of nationality of the individual, whichever is considered closest from a jurisdictional perspective.<br>• Referrals are made by the Office of Legal Affairs of UNIDO using the diplomatic channel (note verbale initialled by the Legal Adviser and addressed to the foreign ministry or permanent mission of the State concerned).<br>• The investigative report and any relevant documentary evidence in the possession of the secretariat are normally handed over at the same time. | | |

| *Entity mandate* | *Key policies and procedures* | *Brief description of policies, procedures and processes* | *Reporting authority* | *Any other comments* |
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| | | • If necessary, the immunity of the official or expert is waived in the note verbale making the referral. Alternatively, the note verbale may confirm that no immunity is enjoyed in respect of the act in question.<br>• If the matter proceeds to trial, the Office of Legal Affairs of UNIDO may send a representative to court and facilitate the attendance of witnesses who are in the employ of the Organization. | | |
| **World Health Organization** (Ensure the highest attainable level of health for all people) | • **World Health Organization (WHO) Staff Regulations and Staff Rules**<br>• **WHO Code of Ethics and Professional Conduct** (principles of integrity, accountability, independence and impartiality, respect and professional commitment)<br>• **WHO fraud prevention policy and fraud awareness guidelines** (the definition of fraud encompasses "misappropriation, irregularities and illegal acts characterized by deceit, concealment or violation of trust")<br>• **WHO policy on whistle-blowing and protection against retaliation** (defines whistle-blowing by differentiating between wrongdoing that would pose a risk of "corporate significance" | • Breach of WHO standards of conduct may trigger the initiation of disciplinary proceedings against staff members.<br>• When WHO determines that staff members have failed to comply with national laws or to meet their private legal obligations, it may initiate disciplinary proceedings where appropriate, in accordance with the Staff Regulations and Staff Rules.<br>• If concerns about compliance of WHO staff with national laws and private legal obligations are brought to the attention of WHO by national authorities, WHO will cooperate with these authorities and may waive any applicable immunity.<br>• The Office of Internal Oversight Services, inter alia, conducts investigations of alleged irregular activities (such as fraud, misconduct, harassment, retaliation). | • The Office of Internal Oversight Services reports annually to the Director-General on its activities and on the implementation status of recommendations, with a copy to the WHO External Auditor. | |

| Entity mandate | Key policies and procedures | Brief description of policies, procedures and processes | Reporting authority | Any other comments |
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| | and "individual grievances that are administered through other established mechanisms") | • The Office of Compliance, Risk Management and Ethics inter alia, provides advice on ethics issues. | | |
| | • **Policy on Sexual Exploitation and Abuse Prevention and Response** | • The Director-General (assisted by the Comptroller, Human Resources Services Director, Legal Counsel and Office of Internal Oversight Services Director) will take disciplinary proceedings in respect of any staff member against whom in the opinion of the Director General, there is sufficient evidence of fraud, misappropriation or other suspected acts of misconduct. The Director General may decide to initiate criminal proceedings, before national courts, against current and former staff members suspected of fraud or other irregular acts. | | |
| | • **Policy on acceptable use of information and communications systems** | • If a staff member is suspected of wrongdoing which "implies a significant risk to WHO interests, reputation, operations or governance", individuals have the possibility of informing their supervisors through their normal supervisory line, or report to the Office of Internal Oversight Services as applicable. | | |
| | | • When a supervisor or manager receives a report of suspected wrongdoing, he or she ought to "address it fully and promptly" through seeking the guidance of the Office of Compliance, Risk Management and Ethics for ethics advice or other specialized relevant mechanisms. | | |

| *Entity/mandate* | *Key policies and procedures* | *Brief description of policies, procedures and processes* | *Reporting authority* | *Any other comments* |
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| | | • The Policy on Sexual Exploitation and Abuse Prevention and Response defines sexual exploitation and abuse and the code of conduct concerning sexual relations with beneficiaries ("individuals who are direct or indirect recipients of humanitarian/ emergency or other WHO action in any duty station") expected of WHO staff members and collaborators and partners; determines action to prevent sexual exploitation and abuse from happening and sets mechanisms to report sexual exploitation and abuse and for WHO to respond to issues related to sexual exploitation and abuse in an effective manner.<br>• The entire procedure is conducted observing strict confidentiality. Referral by WHO of the matter to national authorities for criminal proceedings may occur, depending on the gravity of the situation and the available evidence, and collaboration with national authorities, including by waiving immunity when such a step is considered to be justified, to prosecute the case shall take place.<br>• Every year, the Department of Human Resources Management circulates, internally, an information note in order to inform all staff members of the actions taken by the Director-General, Regional Directors and Assistant Directors-General, to address cases of misconduct which have occurred in WHO. In the note, and while protecting the privacy of | | |

| Entity/mandate | Key policies and procedures | Brief description of policies, procedures and processes | Reporting authority | Any other comments |
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| | | the staff members concerned, WHO provides a summary that indicates the nature of the misconduct and the disciplinary measure(s) imposed.<br>• WHO has sometimes initiated criminal proceedings against its own staff or former staff members which has led to the conviction of those individuals.<br>• Where a staff member is arrested, charged with an offence other than a minor traffic violation, summoned before a national court as a defendant in a criminal proceeding, or convicted, fined or imprisoned for any offence other than a minor traffic violation, he/she has the obligation to immediately report it to WHO.<br>• WHO has an external Integrity Hotline, which facilitates the reporting of wrongdoing across the WHO. Reports related to sexual exploitation and abuse and collected through the Integrity Hotline are treated as a priority. | | |
| **World Intellectual Property Organization** (Promote innovation and creativity for the economic, social and cultural development of all countries through a balanced and effective international intellectual property system) | • **Convention on the Privileges and Immunities of the Specialized Agencies, 1947**<br>• **World Intellectual Property Organization (WIPO)-Switzerland headquarters agreement**<br>• **Standards of Conduct for the International Civil Service**<br>(para. 43 provides that privileges and immunities do not "exempt | *Investigations and referrals to local or national enforcement authorities*<br>• The WIPO Internal Oversight Charter authorizes the Director, Internal Oversight Division, to conduct investigations: to engage in "a formal fact-finding inquiry to examine allegations of or information concerning misconduct or other wrongdoing involving WIPO personnel in order to determine whether they have occurred and if so, | | |

| *Entity mandate* | *Key policies and procedures* | *Brief description of policies, procedures and processes* | *Reporting authority* | *Any other comments* |
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| | international civil servants from observing local laws, nor do they provide an excuse for ignoring private legal or financial obligations".)<br>• **WIPO Staff Regulations and Rules**<br>(Regulation 1.12: "Staff members must comply with local laws and honour their private legal obligations".)<br>• **WIPO Financial Regulations and Rules**<br>(– Rule 105.28: officers involved in procurement must observe the terms of the Staff Regulations and Staff Rules and the Standards of Conduct applicable to International Civil Servants.<br>– Rule 105.27: requires officers involved in procurement to "disclose, in advance, any possible conflict of interest that may arise in the course of carrying out their duties" and establish that "failure to do so may result in appropriate disciplinary action or other appropriate civil and/or criminal action".)<br>• **WIPO Office Instructions**<br>(– No. 55/2013: affirms that "compliance with local laws and honouring private legal obligations includes the obligation to honour orders of | the person or persons responsible" (WIPO Internal Oversight Charter, para. 7).<br>• Such investigations are governed by Investigation Policy and Investigation Manual of the Internal Oversight Division; investigations are "part of the WIPO' internal justice system, which is based on the Organization's internal regulations and rules, not on national laws" (Investigation Policy, para. 11). "In cases where the investigation substantiates actions which may constitute crimes of a serious nature, the Director, Internal Oversight Division, may recommend to the Director General to refer the matter to the competent law enforcement authorities" (Investigation Manual, para. 174).<br>• With respect to investigations that involve prohibited practices, money-laundering, or terrorist financing, the relevant office instruction provides that "the Director General may refer a matter or the results of the WIPO investigation to the appropriate national authorities for further investigation and/or criminal prosecution and may consider the lifting of immunity" (WIPO Office Instruction 13/2013, para. 25).<br>• WIPO staff members have an obligation to self-report involvement with the local criminal justice system to WIPO. Specifically, staff members must inform the Director General as | | |

| Entity/mandate | Key policies and procedures | Brief description of policies, procedures and processes | Reporting authority | Any other comments |
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| | competent courts", and specifically addresses family support obligations and other debts to third parties.<br>– No. 77/2012: emphasizes that immunity "does not exempt staff members from observing the laws and regulations of the host country, including traffic regulations. This obligation applies to all staff members, whether or not they are acting in their official capacity, whether or not they hold diplomatic status and whether or not they hold diplomatic plates". It also reminds staff members that they are "expected to pay traffic fines and to cooperate with local law enforcement authorities. Staff members should also ensure that members of their respective families comply with the laws and regulations of the host country in the same manner". It also addresses the Director General's obligation to ensure that WIPO staff members do not abuse their privileges and immunities and indicates that, "upon request of the host country, the Director General will waive the immunity in any case where he considers that the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization". | soon as possible in the event that they are arrested or charged with an offense other than a minor traffic violation, or are defendants in a criminal action, or are convicted, fined or imprisoned for any offence other than a minor traffic violation (Staff Regulations and Rules, Rule 1.13.1(c)).<br>• All WIPO personnel have a general duty to "report that wrongdoing may have occurred, or any reasonable belief that such wrongdoing may have occurred" (Office Instruction 58/2012).<br>• WIPO has adopted a Whistle-blower Protection Policy to protect individuals who make such reports against retaliation. (Office Instruction 58/2012).<br>• Specific context of prohibited practices, money laundering, or terrorist financing, WIPO personnel have an obligation "to report to the Internal Oversight Division any reasonable suspicion or allegation of prohibited practices, money laundering or terrorist financing that involves WIPO activities or operations, WIPO personnel or business partners immediately after becoming aware or suspicious of the matter on reasonable or probable grounds" (Office Instruction 13/2013).<br>• The Director of the Internal Oversight Division is also required to "maintain facilities for the submission of | | |

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| | – No. 13/2013: WIPO personnel are also required to comply with rules promulgated by the Organization related to prohibited practices (that is, any form of corruption, fraud, collusion or coercion), money-laundering and terrorist financing. It also provides that "failure to comply may subject the individual to disciplinary and other applicable legal action".) | complaints by individual staff members, as well as any other internal or external parties, concerning alleged misconduct, wrongdoing or irregularities including but not limited to: fraud and corruption, waste, abuse of privileges and immunities, abuse of authority, and violation of WIPO regulations and rules" (WIPO Internal Oversight Charter, para. D.14).<br>• WIPO staff members may also report allegations of misconduct and other wrongdoing to a hierarchical supervisor, the Office of the Director General, or the Chair of the Coordination Committee. (Regulation 1.7(c)). | | |
| **World Meteorological Organization** (Dedicated to international cooperation and coordination on the state and behaviour of the Earth's atmosphere, its interaction with the land and oceans, the weather and climate it produces and the resulting distribution of water resources) | • **Financial Regulations (13.7-10)**<br>• **Charter of the Internal Oversight Office**<br>• **World Meteorological Organization (WMO) Code of Ethics**<br>• **Policy for protection against retaliation**<br>• **Internal Oversight Office investigation manual** | • The Internal Oversight Office is responsible for investigating all allegations or presumptions of fraud, waste, mismanagement or misconduct and for conducting inspections of services and organizational units.<br>• The Internal Oversight Office is the principal channel to receive allegations.<br>• Staff members have obligation to report suspected fraud and abuse to the Internal Oversight Office as per the Code of Ethics.<br>• Anyone with information regarding fraud is encouraged to report it through the direct communication line. | | |

| *Entity/mandate* | *Key policies and procedures* | *Brief description of policies, procedures and processes* | *Reporting authority* | *Any other comments* |
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| **World Tourism Organization** (Responsible for the promotion of responsible, sustainable and universally accessible tourism) | • **Provides for a similar procedure under Annex XVIII to the Convention on the Privileges and Immunities of the Specialized Agencies, 1947**<br>• **World Tourism Organization (UNWTO) Staff Rules and Regulations** | • UNWTO cooperates with all Member States in order to prevent any abuses of privileges and immunities and to facilitate the proper administration of justice. In addition, given its headquarters-based nature, the organization works closely with the Government of Spain and its judicial and law enforcement authorities.<br>• Whenever the UNWTO secretariat has been officially reported on a criminal investigation by the national authorities, the Secretary-General waives the necessary privileges and immunities after carefully examining the case. This procedure was followed on two occasions: the Secretary-General waived the immunity of an official who had been charged with murder (1987) and allowed the police authorities to investigate a suicide committed by an official at the Headquarters (2005). | • The UNWTO secretariat does not report to its governing bodies on investigations or prosecutions of crimes related to its officials or experts on mission. | • The UNWTO secretariat is not aware of any currently ongoing investigations or prosecutions of crimes that may have been effectively or allegedly committed by its officials or experts on mission. |
| **Related organizations** | | | | |
| **International Atomic Energy Agency** (Accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world) | • **Agreement between the International Atomic Energy Agency (IAEA) and Austria regarding the headquarters of IAEA**<br>• **Staff Regulations and Staff Rules** | • In the event of an allegation of a crime having been committed by an IAEA official or expert on mission, the IAEA may, depending on the case: (a) waive the immunity; or (b) cooperate with the appropriate authorities to facilitate the proper administration of justice by providing relevant information and giving answers to questions posed by the court, inter alia. | | |

| *Entity/mandate* | *Key policies and procedures* | *Brief description of policies, procedures and processes* | *Reporting authority* | *Any other comments* |
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| | | • IAEA may take a number of internal actions, such as reminding the staff member of his/her obligations; investigating the matter; deducting money from the salary in case of third-party debts; and initiating disciplinary measures provided for in the Staff Regulations and Staff Rules. | | |

United Nations A/72/122

General Assembly

Distr.: General
7 July 2017

Original: English

**Seventy-second session**
Items 100 (n) and (p) of the preliminary list*

**General and complete disarmament: assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them**

**The illicit trade in small arms and light weapons in all its aspects**

# The illicit trade in small arms and light weapons in all its aspects and assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them

## Report of the Secretary-General

*Summary*

The present report is submitted in response to requests by the General Assembly to the Secretary-General contained in resolution 71/48 on the illicit trade in small arms and light weapons in all its aspects and resolution 71/52 on assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them.

The report highlights the major achievements of the Sixth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which was held in New York from 6 to 10 June 2016, and of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. It also includes a summary of the activities of the following mechanisms: the Group of Interested States in Practical Disarmament Measures, the United Nations Trust Facility Supporting Cooperation on Arms Regulation and the United Nations Coordinating Action on Small Arms Mechanism. Recent efforts in the application of the International Small Arms Control Standards by States and other entities are also referenced in the report.

* A/72/50.

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# I. Introduction

1. In its resolution 71/48 on the illicit trade in small arms and light weapons in all its aspects, the General Assembly requested the Secretary-General to report to the Assembly at its seventy-second session on the implementation of the resolution.

2. In its resolution 71/52 on assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them, the General Assembly invited the Secretary-General and those States and organizations that were in a position to do so to continue to provide assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them. In the same resolution, the Assembly requested the Secretary-General to continue to consider the matter and to report to the Assembly at its seventy-second session on the implementation of the resolution.

3. The present report is submitted pursuant to the requests made by the General Assembly in the resolutions mentioned above. To enable a coherent approach to those overlapping and interconnected issues, resolutions 71/48 and 71/52 are addressed together.

# II. Activities carried out by the United Nations to implement resolutions 71/48 and 71/52

## A. Sixth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

4. The Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons are universal frameworks to address the scourge of illicit flows of small arms and light weapons. Their implementation continues to be a priority for the international community.

5. The Sixth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was held from 6 to 10 June 2016 in New York, under the chairmanship of the Permanent Representative of Jamaica to the United Nations, Courtenay Rattray.

6. The Sixth Biennial Meeting of States on Small Arms considered a range of topics relevant to the effective implementation of the Programme of Action on Small Arms and the International Tracing Instrument, notably the 2030 Agenda for Sustainable Development; marking, record-keeping and tracing; the implications of recent developments in small arms and light weapons technology; the role of regional and subregional organizations; international cooperation and assistance; capacity-building; the transfer of technology and equipment; and the sustainability and effectiveness of financial and technical assistance. Member States considered a report by the Secretary-General (A/71/438-A/CONF.192/BMS/2016/1), which, inter alia, covered the following topics: the illicit trade in small arms and light weapons and the general implementation of the Programme of Action on Small Arms; an update on developments in small arms and light weapons manufacturing, technology and design and their implications for the full and effective implementation of the International Tracing Instrument; and financial and technical assistance.

7. The Sixth Biennial Meeting of States on Small Arms concluded successfully with the adoption by consensus of a substantive outcome document

(A/CONF.192/BMS/2016/2). The acknowledgment of the link among the 2030 Agenda for Sustainable Development (in particular Goal 16.4, which relates to the reduction of illicit arms flows), the Programme of Action on Small Arms and the International Tracing Instrument was one of the most significant achievements of the Meeting. States underlined that achieving Goal 16.4 would have positive effects on other development goals, such as poverty reduction, economic growth, health, gender equality and safe cities and communities. In the outcome document, States called for strengthened measurability of the Programme of Action on Small Arms and the International Tracing Instrument, and encouraged States to take advantage of the existing reporting mechanism under both instruments to support the collection of data for relevant indicators relating to the Sustainable Development Goals.

8. The Sixth Biennial Meeting also addressed new themes, such as the issue of the illicit reactivation of deactivated weapons and the challenges posed by the illicit online trade in small arms and light weapons.

9. Progress was made on gender-related issues in the outcome document, which included a call for States to take into account the different impacts of illicit small arms and light weapons on women, men, girls and boys, the promotion of meaningful participation of women in related policymaking, planning and implementation, the encouragement of sex-disaggregated data collection and a plea for increased funding of gender-sensitive programmes.

10. As at previous meetings, States held divergent views on the interpretation of the scope of the Programme of Action on Small Arms. Some continued to interpret the instrument as including ammunition, while others maintained otherwise. In a departure from previous practice, States included those opposing interpretations in the outcome document.

11. In preparation for the Third United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,[1] Member States tasked the Secretariat to examine implementation trends, challenges and opportunities relating to the Programme of Action on Small Arms and the International Tracing Instrument. They also requested the Secretariat to provide the Third Small Arms Review Conference with an update of the comprehensive study on the adequacy, effectiveness and sustainability of financial and technical assistance, and to submit an updated report on options for the enhanced funding of activities relating to the implementation of the Programme of Action on Small Arms and the International Tracing Instrument and for the establishment of programmes for the training of relevant officials. Furthermore, Member States undertook to consider the following issues at the Third Small Arms Review Conference: implications for the International Tracing Instrument of recent developments in small arms and light weapons manufacturing, technology and design; and ways to strengthen the implementation of the Programme of Action on Small Arms and the International Tracing Instrument through the provision of training, equipment and the transfer of technology, as well as ways to ensure the adequacy, effectiveness and sustainability of assistance for the implementation of both instruments, including financial and technical assistance.

[1] The Third Small Arms Review Conference will be held from 18 to 29 June 2018, in New York, and will be preceded by a preparatory committee meeting, which will be held from 19 to 23 March 2018.

## B. United Nations Coordinating Action on Small Arms Mechanism

12. The United Nations Coordinating Action on Small Arms Mechanism[2] has continued to galvanize the inputs of 23 United Nations partners in addressing the issue of small arms in pursuit of the objective of "Delivering as one" in the field of practical disarmament.

13. During the reporting period, the Mechanism continued to function as a vehicle to discuss and jointly develop key United Nations system-wide policies, namely, the development of indicators for target 16.4[3] of the Sustainable Development Goals (from an arms control perspective), the preparation of the report of the Secretary-General on countering the threat posed by improvised explosive devices for the General Assembly (A/71/187) and the biennial report on small arms for the Security Council for 2017. In addition, relevant disarmament and arms control topics addressed by the Human Rights Council in 2016 were a focus of continuous and close discussions within the Mechanism (see, for example, A/HRC/RES/32/12).

## C. Group of Interested States in Practical Disarmament Measures

14. During the reporting period, the General Assembly adopted resolution 71/64, in which it encouraged the Group of Interested States in Practical Disarmament Measures to contribute to the development of voluntary indicators at the national level, which could be used to measure progress made in the implementation of target 16.4.

15. The Group of Interested States continued its efforts to include practical disarmament measures in United Nations-mandated peacekeeping missions. In this regard, the Group supported the provision of training for effective weapons management in the context of disarmament, demobilization and reintegration operations. A project jointly implemented by the Department of Peacekeeping Operations and the Office for Disarmament Affairs was presented at a meeting of the Group. The project was aimed at producing guidelines on the disarmament component of disarmament, demobilization and reintegration initiatives for use in peacekeeping operations.

16. With regard to the promotion of field-oriented perspectives, the Group of Interested States highlighted regional efforts to reduce arms flows, particularly in the Latin American and Caribbean region.

## D. International Small Arms Control Standards

17. The International Small Arms Control Standards provide practical guidance on ways to put in place effective national controls over the full life cycle of small arms and light weapons, in order to reduce the risk of their falling into the hands of criminals, terrorists or others who would misuse them.

18. The International Small Arms Control Standards contribute directly to the implementation of the Sustainable Development Goals, specifically target 16.1 to "significantly reduce all forms of violence and related death rates everywhere" and target 16.4 to "significantly reduce illicit ... arms flows". Building national capacities for combatting illicit arms trafficking is essential to achieving the Sustainable Development Goals (see A/70/794, para. 46), and States are encouraged to use the

[2] www.poa-iss.org/CASA/CASA.aspx.

[3] https://sustainabledevelopment.un.org/sdg16.

Standards to support peacekeeping and peacebuilding efforts and to conduct national self-assessments of the effectiveness of existing small arms and light weapons controls (see A/71/438-A/CONF.192/BMS/2016/1, recommendation 8).

19. Advocacy by regional organizations, in particular the European Union, the African Union and the Caribbean Community, has resulted in the International Small Arms Control Standards being used in more than 100 countries. In addition, recent innovative uses of the Standards, for example to assess the safety and security of a floating armoury in the Gulf of Oman, have demonstrated their versatility.

20. In the course of 2016, Governments, regional organizations and non-governmental organizations used the International Small Arms Control Standards extensively in trainings designed to build national capacity on small arms and light weapons control. Germany used the Standards to train physical security and stockpile management specialists from 11 participating States of the Organization for Security and Cooperation in Europe. The Regional Centre on Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa and Bordering States trained security officials from Kenya, Rwanda and Uganda on Standards-based stockpile management. The Pacific Small Arms Action Group trained 30 security officials from Fiji on the Standards. Trainings conducted by the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons for Albania, Bosnia and Herzegovina, Montenegro, the Republic of Moldova and the former Yugoslav Republic of Macedonia, as well as a training conducted by the Bonn International Centre for Conversion in Mali, introduced the Standards guidance on physical security and stockpile management.

21. The United Nations Regional Centre for Peace and Disarmament in Africa used the International Small Arms Control Standards to help to build the physical and security stockpile management capacity of six countries in the Sahel (Burkina Faso, Chad, Mali, Mauritania, Niger and Nigeria). The United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean used the Standards to help to prevent the diversion of small arms from private security companies in Costa Rica, El Salvador and Peru. The United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific used them to help to strengthen small arms control in Cambodia, Myanmar and Thailand. Austria used the Standards to transfer specialized knowledge to Bosnia and Herzegovina, Kenya, the Republic of Moldova and Senegal, and the United Nations Institute for Disarmament Research used the Standards in its support for the Federal Government of Somalia.

22. The International Small Arms Control Standards have made important contributions to the harmonization of United Nations programmes on small arms and light weapons control and constitute a good example of how the humanitarian, peace and security and development pillars of the United Nations can work together in partnership to help States to prevent conflict.[4] They provide comprehensive guidance on the acquisition, possession and use of firearms by civilians (see A/HRC/32/21). The Great Lakes Regional Strategic Framework 2016-2017 (S/2016/255, annex) used the Standards to ensure a harmonized approach to small arms and light weapons control in five countries in the region (Burundi, the Democratic Republic of the Congo, Rwanda, Uganda and the United Republic of Tanzania).

[4] See United Nations Development Programme, "Strengthening the rule of law in crisis-affected and fragile situations" (New York, 2016).

23. The International Small Arms Control Standards Inter Agency Support Unit trained government and United Nations Development Programme officials from Côte d'Ivoire, Guinea, Liberia, Mali, the Niger, Nigeria and Sierra Leone, as well as officials from Togo and the United Nations Regional Centre for Peace and Disarmament in Africa, to use the International Small Arms Control Standards Assessment Tool to compare existing national controls on small arms and light weapons with international standards in order to identify and prioritize areas that may be in need of strengthening.

## E. United Nations Trust Facility Supporting Cooperation on Arms Regulation

24. Since its inception in 2013, the United Nations Trust Facility Supporting Cooperation on Arms Regulation[5] has funded 39 projects all over the world, for a total budget of approximately $6 million.[6] During the reporting period, 11 projects were funded, for a total budget of $1.7 million.

25. Project activities included capacity-building, contributions to ongoing multilateral and national processes, implementation tools and guides, action-oriented research, information platforms, databases and e-learning. Thematic issues that were addressed included legislation, end use and end user control, national points of contact, reporting, weapons destruction, stockpile management, border control, gender issues and children, public awareness and South-South cooperation.

26. The activities outlined above illustrate the sustained efforts undertaken by the international community to lessen the effects of the illicit circulation of small arms and light weapons, which continue to be the weapons of choice in armed conflict and crime. A lot still remains to be done. The level of international assistance and cooperation should be increased to match the demand for action in countering the illicit trade in and proliferation of small arms and light weapons in all its aspects. The Third Review Conference will thus present an important opportunity in 2018 for States to demonstrate that the Programme of Action on Small Arms and its International Tracing Instrument continue to be dynamic and living arms control measures for the promotion of international peace and security. The Third Review Conference will have to be forward-looking, building on the encouraging successes of the Biennial Meeting of States of June 2016.

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[5] See www.un.org/disarmament/unscar/.

[6] A detailed list of all projects is available from www.un.org/disarmement/unscar.